

ORDINANCE NO, 189

An ordinance establishing a zone for ~~the~~ ^{undertaking} establishments within the City of Lodi for the public health, comfort, convenience, safety and welfare of said City,

Be it ordained by the City Council of the City of Lodi as follows :

Section 1. That the public health, comfort, convenience, safety and welfare of the city of Lodi require that the use of private property and the conduct of certain business be regulated and that districts or zones be established in said city as herein after set out ,

Section 2. For the purposes of this ordinance Zone Number One shall be all that part of said city bordered on the north by the center line of Lockeford Street, on the East by the center line of Washington Street, on the South by the center line of Walnut Street, and on the West by the center line of Church Street.

Section 3. For the purposes of this ordinance all of said city not included in said Zone Number One shall be known as Zone Number Two.

Section 4. It shall be lawful to own, maintain, operate and conduct any mortuary or funeral parlor within the exterior boundaries of said Zone Number One.

Section 5. It shall be unlawful for any person, firm or corporation to own, maintain, operate or conduct within the boundaries of said Zone Number Two any mortuary or funeral parlor.

Section 6. For the purposes of this ordinance the terms "mortuary" and "funeral parlor" are synonymous and said terms are defined to mean any place where any human dead body is embalmed, or otherwise prepared for burial, cremation or other disposal, as a business conducted for a profit, or where any funeral or Funeral service upon any such body (which may have been prepared, for burial or elsewhere or disposal, at the place where such funeral is to be held) is

conducted as a matter of business and ~~for~~ a profit; but such terms shall not include any place, church ~~or~~ private residence where any funeral ~~or~~ funeral services may be conducted (not as a matter of business ~~or~~ ~~for~~ the profit ~~of~~ the occupant of such premises) upon any such body, which may theretofore have been embalmed ~~or~~ properly prepared (at some place outside of said Zone Number Two) ~~for~~ burial, cremation ~~or~~ other disposal.

Section 7. Any person, firm ~~or~~ corporation who ~~or~~ which shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$300.00, ~~or~~ by imprisonment in the city prison ~~or~~ county jail ~~for~~ a period of not more than three months, ~~or~~ by both such fine and imprisonment; and each separate day, during which any portion of this ordinance shall be violated, shall be considered ~~as~~ a separate offense.

Section 8. ~~If~~ any section, sub-section, sentence, clause, word or phrase of this ordinance ~~is~~ ~~for~~ any reason held to be unconstitutional, such holding shall not affect the validity of any remaining portion of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, sub-section, sentence, clause, word and phrase thereof irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, words ~~or~~ phrases might be declared unconstitutional.